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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,632	11/26/2003	Frank Gersemsky	L&L-10261	9708

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EXAMINER

NGUYEN, KHAI MINH

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/723,632	Applicant(s) GERSEMSKY ET AL.	
	Examiner Khai M. Nguyen	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-25, and 27-33 is/are rejected.
- 7) ☒ Claim(s) 12 and 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.

The indicated allowability of claims 3-4, 11, 17-18, 25 and 33 are withdraw because the newly discover reference(s) teaching all the claimed limitations.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 8-10, 13-18, 22-24, and 27-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Hadad (U.S.Pub-20050025042).

Regarding claim 1, Hadad teaches data transmission system (fig.1, paragraph 0004), comprising:

a base station (fig.1, base station 1);

at least one mobile station (fig.1, subscriber unit 2), data packets can be transmitted by radio using a time slot method between said base station and said mobile station (fig.1, paragraph 0081-0083, 0134-0136);

first means for transmitting a first part of a data packet at a predetermined first symbol rate and at a first transmission frequency (paragraph 0030-0033, 0038); and

second means for transmitting a second part of the data packet at a second symbol rate and at a second transmission frequency (paragraph 0030-0033, 0038).

said second symbol rate differing from said predetermined first symbol rate (paragraph 0030-0033, 0038).

Regarding claim 2, Hadad teaches the data transmission system according to claim 1, wherein the first part of the data packet contains information about the second symbol rate (paragraph 0030-0033, 0038).

Regarding claims 3, and 33, Hadad teaches the data transmission system according to claims 1 and 32, further comprising third means for producing a guard time interval between the first part and the second part of the data packet (fig.3, paragraph 0122-0124).

Regarding claims 4, and 18, Hadad teaches the data transmission system according to claims 1 and 15, wherein the second symbol rate is higher than the predetermined first symbol rate (paragraph 0067-0070).

Regarding claim 8, Hadad teaches the data transmission system according to claim 1, wherein said first means has means for producing identification information for identification of an association between said base station and said mobile station (paragraph 0030-0033, 0038).

Regarding claim 9, Hadad teaches the data transmission system according to claim 1, wherein said first means has means for producing a first data packet head (paragraph 0030-0033, 0038).

Regarding claim 10, Hadad teaches the data transmission system according to claim 1, wherein said second means has means for producing a synchronization word for synchronization of said base station to said mobile station at the second symbol rate (paragraph 0041).

Regarding claim 13, Hadad teaches the data transmission system according to claim 1, wherein the data transmission system can be used in digital cordless communications systems (paragraph 0007-0010), in computer-controlled entertainment systems, computer-controlled games systems, or in systems with real-time requirements (paragraph 0007-0010).

Regarding claim 14, Hadad teaches the data transmission system according to claim 1, wherein the first part of the data packet contains information about the second transmission frequency (paragraph 0030-0033, 0038).

Regarding claim 15, Hadad teaches a method for radio transmission of data packets between a base station and at least one mobile station (fig.1, paragraph 0004), which comprises the steps of:

transmitting a first part of a data packet at a predetermined first symbol rate and at a first transmission frequency (paragraph 0030-0033, 0038); and

transmitting a second part of the data packet at a second symbol rate and at a second transmission frequency (paragraph 0030-0033, 0038).

said second symbol rate differing from said predetermined first symbol rate (paragraph 0030-0033, 0038).

Regarding claim 16, Hadad teaches the method according to claim 15, which further comprises transmitting information about the second symbol rate with the first part of the data packet (paragraph 0030-0033, 0038).

Regarding claim 17, Hadad teaches the method according to claim 15, which further comprises complying with a guard time interval before transmitting the second part of the data packet (fig.3, paragraph 0122-0124).

Regarding claim 22, Hadad teaches the method according to claim 15, which further comprises transmitting in the first part of the data packet identification information for identifying an association between the base station and the mobile station (paragraph 0030-0033, 0038).

Regarding claim 23, Hadad teaches the method according to claim 15, which further comprises transmitting a first data packet header in the first part of the data packet (paragraph 0030-0033, 0038).

Regarding claim 24, Hadad teaches the method according to claim 15, which further comprises transferring a synchronization word, for synchronization of the base

station to the at least one mobile station (fig.1, paragraph 0041), to the second symbol rate at a start of the second part of the data packet (paragraph 0041).

Regarding claim 27, Hadad teaches the method according to claim 15, which further comprises forming the base station and the mobile station as a digital cordless communications system (paragraph 0007-0010).

Regarding claim 28, Hadad teaches the method according to claim 15, which further comprises forming the base station and the mobile station as a computer-controlled entertainment system (paragraph 0007-0010).

Regarding claim 29, Hadad teaches the method according to claim 15, which further comprises forming the base station and the mobile station as a computer-controlled game system (paragraph 0007-0010).

Regarding claim 30, Hadad teaches the method according to claim 15, which further comprises forming the base station and the mobile station as a system with real-time requirements (paragraph 0007-0010).

Regarding claim 31, Hadad teaches the method according to claim 15, which further comprises transmitting information about the second transmission frequency with the first part of the data packet (paragraph 0030-0033, 0038).

Regarding claim 32, Hadad teaches a data transmission system (fig.1, paragraph 0004), comprising:

a base station (fig.1, base station 1); and

at least one mobile station (fig.1, subscriber unit 2), data packets can be transmitted by radio using a time slot method between said base station and said mobile station (fig.1, paragraph 0081-0083, 0134-0136);

said base station and said mobile station programmed to transmit a first part of a data packet at a predetermined first symbol rate and at a first transmission frequency (paragraph 0030-0033, 0038);

second base station and said mobile station programmed to transmit a second part of the data packet at a second symbol rate and at a second transmission frequency (paragraph 0030-0033, 0038).

said second symbol rate differing from said predetermined first symbol rate (paragraph 0030-0033, 0038).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-7, 11, 19-21, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hadad (U.S.Pat-20050025042) in view of Burgess et al. (U.S.Pat-6532228).



Regarding claims 5, and 19, Hadad teaches the data transmission system according to claim 1, and 15.

Hadad fails to specifically disclose base station and mobile station each have a local oscillator. However, Burgess teaches receivers or transmitters for receiving or transmitting respectively a radio packet at a predetermined frequency, Burgess teaches base station and mobile station each have a local oscillator (fig.4-5, col.1, lines 29-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use base station and mobile station each have a local oscillator as taught by Burgess with Hadad teaching in order to provides a receiver for receiving a radio packet transmitted and a transmission frequency and reduces the number of collisions due to partial overlap.

Regarding claims 6, and 20, Hadad teaches the data transmission system according to claim 1, and 19.

Hadad fails to specifically disclose local oscillator is in each case connected to a phase locked loop. However, Burgess teaches receivers or transmitters for receiving or transmitting respectively a radio packet at a predetermined frequency, Burgess teaches local oscillator is in each case connected to a phase locked loop (fig.4-5, col.1, lines 29-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use local oscillator is in each case connected to a phase locked loop as taught by Burgess with Hadad teaching in order to provides a receiver

for receiving a radio packet transmitted and a transmission frequency and reduces the number of collisions due to partial overlap.

Regarding claims 7, and 21, Hadad teaches the data transmission system according to claim 1, and 15.

Hadad fails to specifically disclose base station and mobile station each have a filter for reception-end selection of a transmission frequency. However, Burgess teaches receivers or transmitters for receiving or transmitting respectively a radio packet at a predetermined frequency, Burgess teaches base station and mobile station each have a filter for reception-end selection of a transmission frequency (fig.4-5, col.1, lines 29-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use base station and mobile station each have a filter for reception-end selection of a transmission frequency as taught by Burgess with Hadad teaching in order to provides a receiver for receiving a radio packet transmitted and a transmission frequency and reduces the number of collisions due to partial overlap.

Regarding claim 11 and 25, Hadad teaches the data transmission system according to claims 1 and 15,

Hadad fails to specifically disclose producing a second data packet head, and means for transmitting payload data, and transmitting a second data packet header and payload data in the second part of the data packet. However, Burgess teaches producing a second data packet head, and means for transmitting payload data (fig.2-3, payload 38, col.3, line 48 to col.4, line 25), and transmitting a second data packet

header and payload data in the second part of the data packet (fig.2-3, payload 38, col.3, line 48 to col.4, line 25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use producing a second data packet head, and means for transmitting payload data, and transmitting a second data packet header and payload data in the second part of the data packet as taught by Burgess with Hadad teaching in order to provides a receiver for receiving a radio packet transmitted and a transmission frequency and reduces the number of collisions due to partial overlap.

#### ***Allowable Subject Matter***

4. Claims 12 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571.272.7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Khai Nguyen  
Au: 2617

6/8/2006

  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER